

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 1711.

(Given pursuant to section 4 of the Food and Drugs Act.)

### ADULTERATION OF TOMATO PULP.

During the month of January, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 cases, each containing 48 retail cans of tomato pulp, remaining unsold in the original unbroken packages and in possession of the Buchanan Grocer Co., a corporation, St. Louis, Mo., alleging that the product had been shipped on or about December 13, 1911, from the State of Kentucky into the State of Missouri and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "American stewed and strained tomatoes." (On cans) "American stewed and strained tomatoes. American Brand. Guaranteed first quality—Packed by American Syrup and preserving Co. Nashville, Tenn. The product of ripe tomatoes scientifically prepared" etc. "For soups—Contents of this tin equals for soups or sauces a number 3 tin of tomatoes" etc.

Adulteration was alleged in the libel for the reason that the product was intended for use as food and contained a large, excessive, and deleterious amount of bacteria, yeasts, spores, and mold filaments, and consisted in large part and to an injurious extent of filthy and decomposed vegetable substances, to wit, yeasts, spores, bacteria, and mold filaments, and further in that filthy and decomposed vegetable substances, to wit, yeasts, spores, and mold filaments, had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality, and that the product was of a deleterious character within the meaning of the Act of Congress of June 30, 1906.

On February 6, 1912, no claimant having appeared for the product, and the court having found that it had been shipped in interstate commerce by the New Blue Grass Canning Co., Owensboro, Ky., judgment of condemnation and forfeiture was entered and it was further ordered that the 197 cases of the product that had been seized should be destroyed by the United States marshal and that the costs of the proceedings should be paid by the Buchanan Grocer Co., St. Louis, Mo.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., August 5, 1912.